

HAYESPATJ@AOL.COM 747-6397

From: Patrick Hayes :HAYESPATJ@AOL.COM 747-6397

General Comments Regarding the Executive Summary

Although the District has done an excellent and extensive job on preparing the "flow" perspective for the Northwest Fork of the Loxahatchee River, I feel extremely misled calling this the "MFL for the Loxahatchee River and Estuary."

The Executive Summary makes it clear on several occasions that this is a "flow" document, for the Northwest Fork only. No discussion at all is evident of "levels", and many critical components of the River (The Slough, The Overall Natural Watershed, and Cypress Creek, to mention a few) are excluded or need significantly more attention.

Many people I know are quite disappointed that the "Watershed", as artificially constructed by the District, excludes much of the southern portion of the River's "Historic Slough". To minimize the special extent of this River's Watershed in the face of many Federal (CERP) and Local Projects which will reconnect the entire southern area of the River's Historic Watershed, seems inappropriate and contrary to the District's committed effort to "get the water right" (to borrow a phrase from the South Florida Ecosystem Taskforce). To exclude a "level" and "flow" regimen for the major southern slough of the river seems quite shortsighted and different from the other MFL's I've studied for comparison.

Staff and District Directors have officially stated that the River has not declined since 1985. It would appear, however, that the current document "declares" another two miles of River "significantly harmed". This seems to be the justification for reducing the MFL recommendation of 70cfs in the previous May 2001 MFL Document, to 35cfs in the current Document.

It think it is unconscionable that Staff recommend less water for the River and, thereby more water for consumptive use as a reward for 20 years of mismanaging the River's natural system causing another two miles of destruction.

The Summary also indicates that even at this level, the District cannot meet fresh water demands during the dry season and must, therefore, construct a "Recovery and Prevention Strategy". Since the River's "Wild & Scenic" designation in 1985, and the Federal & State Mandates to Restore, Protect and Preserve this national treasure, the "loophole"..." to provide sufficient flow whenever possible" continues to allow the River's demise. Yet during the last 25 years sufficient water has been found to increase consumptive use permits in the River's watershed by over 100-million gallons a day. When is this blatant contradiction going to end, and the River receive its "fair share" of vitally nourishing water?

Further comments to follow. pjh

~~~~~

R/E :

the "RESERVATION" Document ---- the only parties with " legal" standing with respect to " the WORDA 2000 Base line," and the " savings clause" ---are "permit holders" (which excludes all natural systems, i.e., rivers, sloughs estuaries, etc.). Also the "legal" status excludes all "Storm water runoff" . When I

questioned Mr. Ammon r/e the Natural system --- and specifically the Loxahatchee River --- he said that the River is "entitled to only the water that we have been giving it " --- when I reminded him that during the "wry season" that the District doesn't give us any water, and that this would imply, we have on standing, In "WORDA 2000 Base line" , and that under the "savings clause" the River would be entitled to " no water " during the critical dry season . He stated that was correct. And repeated that the Natural system was only entitled to the water that the District had been giving it, as reflected in the historical levels over the last 30 or so years.

The implications of this for the Natural system, and especially the River's are unfair, inappropriate and disastrous. It is simply not good "policy," after 30 years of refusing to set aside water, set MFL's, or develop Reservations, that our "base line" should now be "zero."

Further comments to follow --- PJH